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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/422,324

10/21/1999

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34678

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11/22/2004

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EXAMINER

WONG, ALLEN C

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 11/22/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/422,324

**Applicant(s)**

CONSOLE ET AL.

**Examiner**

Allen Wong

**Art Unit**

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 4-8 have been fully read and considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 6 recites the limitation "the information" in line 1. There is insufficient antecedent basis for this limitation in the claim. There is no clear definition of "the information" in the claims other than in claim 5, the recording information. Applicant is strongly urged to further clarify "the information" in claim 6 by either adding "recorded" to the term "the information". Otherwise, the examiner will maintain the 35 U.S.C. 112, 2<sup>nd</sup> paragraph rejection on claim and render claim 6 indefinite. Even if the applicant amends claim 6, the examiner has the limitation covered with prior art because claim 6 is not new, novel or inventive.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Mazzilli (6,333,759).

Regarding claim 4, Mazzilli discloses an observation and recording system for a motor vehicle (see title and abstract) comprising:

camera means carried by the motor vehicle (col.2, ln.63 to col.3, ln.2; camera means with a 360° range for video recording everything around the camera housing 5), said camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle (col.2, ln.63 to col.3, ln.2; camera means with a 360° range for video recording everything around the camera housing 5 including the interior of the vehicle, where the driver is located at the interior of the vehicle, and the exterior of the vehicle by video recording through the windshield of the vehicle to obtain the images being directed at a road in front of the vehicle); and

means for recording images of the road in front of the vehicle and of the driver of the motor vehicle observed by said camera means (col.2, ln.63 to col.3, ln.2; the

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camera means, that consists of plural cameras 11, has a 360° range for video recording everything around the camera housing 5, including the interior of the vehicle, where the driver is located at the interior of the vehicle, and the exterior of the vehicle by video recording through the windshield of the vehicle to obtain the images being directed at a road in front of the vehicle, and that a VCR 18 of fig.1 is used for recording the images obtained by the camera means).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzilli (6,333,759) in view of Miller (4,093,364).

Regarding claim 5, Mazzilli discloses the means for recording information from the interior of the vehicle (col.2, ln.63 to col.3, ln.2; the camera means, that consists of plural cameras 11, has a 360° range for video recording everything around the camera housing 5, including the interior of the vehicle, where the driver is located at the interior of the vehicle). Mazzilli does not specifically disclose the means for recording information from the odometer and the speedometer of the vehicle. However, Miller teaches that the camera can observe and record the information from the speedometer (col.2, ln.14-19; camera is adjusted to face the speedometer). Therefore it would have been obvious to one of ordinary skill in the art to combine the teaching of Miller's

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camera facing the speedometer into Mazzilli's vehicle observation and recording system for adjusting the camera to face the odometer as well for the same purpose of accurately obtaining all the pertinent and necessary information in a crime scene so that the arresting officer can properly use the recorded information of the encounters with the criminals and perpetrators (col.1, ln.15-22).

Regarding claim 6, Mazzilli does not disclose the information is provided by the camera means. However, Miller discloses the information is provided by the camera means (col.2, ln.14-19; camera is adjusted to face the speedometer). Therefore it would have been obvious to one of ordinary skill in the art to combine the teaching of Miller's camera facing the speedometer into Mazzilli's vehicle observation and recording system for adjusting the camera to face the odometer as well for the same purpose of accurately obtaining all the pertinent and necessary information in a crime scene so that the arresting officer can properly use the recorded information of the encounters with the criminals and perpetrators (col.1, ln.15-22).

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzilli (6,333,759) in view of Watkins (6,215,518).

Regarding claim 7, Mazzilli does not specifically disclose a jack. However, Watkins teaches the use of a jack (fig.1, note element 20 and element 22 are used together to equivalently function as a jack for connecting a video camera 14). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Mazzilli and Watkins, as a whole, for conveniently permitting the police to obtain important audio and video information during a crime scene, pullover and

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approaching suspicious individuals to provide evidence of any wrongdoings by perpetrators (Watkins col.2, ln.40-43).

Regarding claim 8, Mazzilli does not specifically disclose including a portable recording device connected to the jack. However, Watkins teaches the inclusion of a portable recording device connected to the jack (fig.1, note video camera 14 is a portable recording device, and that camera 14 is connected to the jack, formed by elements 20 and 22). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Mazzilli and Watkins, as a whole, for conveniently permitting the police to obtain important audio and video information during a crime scene, pullover and approaching suspicious individuals to provide evidence of any wrongdoings by perpetrators (Watkins col.2, ln.40-43).

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Allen Wong  
Examiner  
Art Unit 2613

AW  
11/18/04

  
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